

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

JANA PARKER on behalf of minor O.P.,  
Plaintiff,  
v.  
SEATTLE PUBLIC SCHOOLS,  
Defendant

**Case No. C24-1298RSL**

**ORDER DENYING  
APPLICATION FOR  
APPOINTMENT OF  
COUNSEL**

This matter comes before the Court on plaintiff's "Application for Court-Appointed Counsel." Dkt. # 5.

Generally, a person has no right to counsel in civil actions. *See Adir Int'l, LLC v. Starr Indem. & Liab. Co.*, 994 F.3d 1032, 1038-39 (9th Cir. 2021). However, under “exceptional circumstances” a court may appoint counsel for indigent civil litigants pursuant to 28 U.S.C. § 1915(e)(1). *Agyeman v. Corr. Corp. of Am.*, 390 F.3d 1101, 1103 (9th Cir. 2004). When determining whether “exceptional circumstances” exist, a court must consider “the likelihood of success on the merits as well as the ability of the petitioner to articulate his claims *pro se* in light of the complexity of the legal issues involved.” *Weygandt v. Look*, 718 F.2d 952, 954 (9th Cir. 1983). Neither of these considerations is dispositive and instead must be viewed together.

**ORDER DENYING APPLICATION FOR  
APPOINTMENT OF COUNSEL - 1**

1       1 *Wilborn v. Escalderon*, 789 F.2d 1328, 1331 (9th Cir. 1986). In addition, the party seeking  
2 appointment of counsel must show indigency. *Palmer v. Valdez*, 560 F.3d 965, 970 (9th Cir.  
3 2009).

4                 Plaintiff has been granted leave to proceed *in forma pauperis*, so the indigency  
5 requirement is satisfied. *See Ivey v. Bd. Of Regents of Univ. of Alaska*, 673 F.2d 266, 269 (9th  
6 Cir. 1982). However, based on the record presently before the Court, it appears plaintiff has thus  
7 far “demonstrated sufficient writing ability and legal knowledge” to articulate this claim. *See*  
8 *Terrell v. Brewer*, 935 F.2d 1015, 1017 (9th Cir. 1991). In clear statements, plaintiff alleges a  
9 violation of her son’s civil rights and describes an alleged Due Process violation during  
10 proceedings before an Administrative Law Judge earlier this year. Dkt. # 4. Although it is too  
11 early in this proceeding to determine the likelihood of plaintiff’s success on the merits, thus far  
12 plaintiff’s ability to articulate claims does not appear to be hampered by the complexity of the  
13 issues involved. *See United States v. \$292,888.04 in U.S. Currency*, 54 F.3d 564, 569 (9th Cir.  
14 1995), as amended (May 24, 1995) (finding denial of appointed counsel proper where plaintiff  
15 “was not hampered in articulating his claims by any complexity of the issues involved.”).  
16 Therefore, the threshold for finding “exceptional circumstances” that justify the appointment of  
17 counsel in a civil case has not been met. *Wilborn*, 789 F.2d 1328 at 1331.

18                 For all the foregoing reasons, plaintiff’s application for appointment of counsel is  
19 DENIED without prejudice to plaintiff raising the issue again later in the case.

1 DATED this 7th day of October, 2024.

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4 Robert S. Lasnik  
United States District Judge